

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JPMorgan Chase Bank, N.A.,

**Plaintiff,**

V.

## Meritage Homes Corp. and Meritage Homes of Nevada, Inc.

### Defendants.

**Case Nos.:**

Case No. 2:09-cv-01547  
Case No. 2:08-cv-01717

# **ORDER DISMISSING JPMORGAN CHASE BANK, N.A.'S COMPLAINT**

The Court has reviewed and approved the Joint Stipulation entered on January 23, 2012 by and between Plaintiff JPMorgan Chase Bank, N.A. in its capacity as Administrative Agent (“JPMorgan”) on the one hand and Defendants Meritage Homes Corp. and Meritage Homes of Nevada, Inc. (together, “Meritage”) on the other.

**IT IS HEREBY ORDERED THAT:**

1. The claims of JPMorgan in the case captioned *JPMorgan Chase Bank, N.A. v. Meritage Homes Corp. and Meritage Homes of Nevada, Inc.*, Case No. 2:09-cv-01547 against Meritage are hereby dismissed without prejudice pursuant to Rule 41(a)(1)(ii).

2. The claims of JPMorgan in the case captioned *JPMorgan Chase Bank, N.A. v Meritage Homes Corp. and Meritage Homes of Nevada, Inc.*, Case No. 2:08-cv-01717 against Meritage are hereby dismissed without prejudice pursuant to Rule 41(a)(1)(ii).

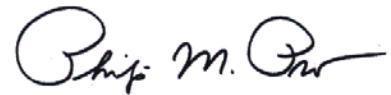
3. Each party shall bear its own attorneys' fees and costs.

1       4. Dismissal of JPMorgan's claims SHALL NOT affect Meritage's third party  
2 complaint against Focus and that complaint shall remain pending for the purpose of final  
3 resolution of the issues relating to the arbitration award that are currently on appeal to the Ninth  
4 Circuit Court of Appeals.

5       IT IS SO ORDERED

6 DATED January 23, 2012.

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Hon. Philip M. Pro